**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE SIDE**

**CRIMINAL WRIT PETITION NO. 2104 OF 2007**

Liyakat Ali Ibrahim Kazi .... Petitioner

versus

Raisa Abdul Aziz Lambe & anr..... Respondent.

Ms. Seema Sarnaik for he petitioner.
Shri A.S.Shitole APP for respondent.

**CORAM; A.P. DESHPANDE, J.**
**DATED; 20TH NOVEMBER, 2007**

P.C.;

1. The writ petitioner is husband whereas the respondent is wife. The parties to the petition were married according to Muslim rites and customs on 5-11-1997. The husband divorced the wife on 5-1-2005. The wife filed an application under section 3 of the Muslim Women (Protection of Rights on Divorce) Act 1986 Act claiming the amount of maintenance and for return of the articles received by her at the time of marriage. The case of the respondent wife was that the husband is obliged to make a fair and reasonable provision for maintenance but the same has not been so provided. The trial court after appreciation of the rival submissions, granted an amount of Rs. 3 lakhs in lumpsum towards the provision of her maintenance and also directed to return of the articles. In so

far as the return of the articles are concerned, parties have not disputed seriously and the husband had agreed to return the articles by filing a reply. The order passed by the trial court was subjected to a challenge by filing a criminal revision application before the Court of Sessions. The Sessions court has found that the order passed under section 3 by the trial court was proper and did not suffer from any illegality or impropriety and the revision application came to be dismissed. Aggrieved by this, the present writ petition came to be filed.

3. Perused the impugned orders. The same does not call for any interference in exercise of writ jurisdiction. in the result, writ petition deserves to be summarily dismissed.

4. The learned counsel for the petitioner has urged that though the fact of divorce was not disputed before the courts below, having regard to a Full Bench judgment of this court reported in **(2002) 3 Mh.L.J. page 602,** the courts below ought to have considered as to whether the Talak was legal or otherwise, though the same was not contested by any party. I am not inpressed with the submission so made. Hence writ petition is summarily dismissed.

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